

ACTION IO-00

RELEASED IN FULL

INFO	LOG-00	AF-00	AID-00	AMAD-00	CIAE-00	INL-00	DODE-00
	WHA-00	EAP-00	EB-00	EUR-00	UTED-00	TEDE-00	INR-00
	LAB-01	L-00	NEA-00	NSAE-00	NSCE-00	OIC-00	OIG-00
	PA-00	GIWI-00	PRS-00	P-00	DOHS-00	SP-00	IRM-00
	SS-00	STR-00	TRSE-00	FMP-00	PRM-00	DRL-00	G-00
	SCA-00	SAS-00	SWCI-00	/001W			

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TO SECSTATE WASHDC 0747

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UNCLAS GENEVA 002021

STATE FOR IO/RHS, DRL/MLA, L/HRR

E.O. 12958: N/A

TAGS: PHUM, UNHRC-1

SUBJECT: Working Group on Enforced or Involuntary Disappearances

1. Mission has received a communication from the Chairman of the WG on Enforced or Involuntary Disappearances, Santiago Corcuera, requesting information on the U.S. practice of rendition and general allegations of the supposed practice of holding persons incommunicado in foreign and secret detention facilities. This communication has been sent via e-mail to IO/RHS and is number 33 on the Geneva 2006 Communications Log.

2. Begin text of letter:

Excellency,

At the request and on behalf of the Chairman of the Working Group on Enforced or Involuntary Disappearances, I have the honour to communicate the following letter addressed to you:
"Excellency,

I have the honour to write to you on behalf of the Working Group on Enforced or Involuntary Disappearances, which held its seventy-ninth session from 24 to 28 July 2006, at the United Nations Office in Geneva.

In the course of the session, the Working Group decided to inform your Government of general allegations it has received in relation to the implementation of the Declaration on the Protection of All Persons from Enforced Disappearances in your country. A summary is attached. Any comments regarding these general allegations should be received by the date given in the next paragraph in order to be

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included in the Working Group's annual report.

I would like to take this opportunity to remind your Government that the Working Group will hold its eightieth session at the United Nations Office at Geneva from 20 November to 1 December 2006. As such, the Working Group would be grateful if any written information which your Government wishes to submit for the Working Group's consideration, could be received by 2 October 2006. Information may be submitted at any time of the year, and will be reviewed as soon as it can be processed.

In conformity with its usual practice, the Working Group is prepared to receive representatives of interested Governments during the first three days of its next session, from 20 to 22 November 2006. Should your Government wish to be represented at the forthcoming session, please contact the Working Group's secretariat at the United Nations Office of the High Commissioner for Human Rights in Geneva (tel: 022 917 9176, fax: 022 917 9006) to schedule an appointment with the Working Group. The dates of subsequent sessions for the coming year may also be requested or found on the WGEID webpage: <http://www.ohchr.org/english/issues/disappear>.

I remain,
Excellency,

Yours sincerely,
Santiago Corcuera
Chairman-Rapporteur
Working Group on Enforced
or Involuntary Disappearances"

I remain,
Excellency,

Yours sincerely,
Tanya Smith
Secretary
Working Group on Enforced
or Involuntary Disappearances
79th Session
General Allegation: United States of America

The Working Group received information from non-governmental organizations concerning the reported non-compliance by the Government of the United States of America with provisions of the Declaration on the Protection of All Persons from Enforced Disappearance.

It is reported that since September 11, 2001, the United States

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government has relied increasingly in its counterterrorism operations on a practice that has commonly become known as "rendition" or "extraordinary rendition." The practice generally involves the abduction of persons either outside or inside the US and their extrajudicial transfer either to US-run detention facilities overseas or to the custody of foreign intelligence agencies. Allegedly, even when suspects are transferred to the custody of foreign agents under the rendition program, the United States often maintains a degree of control over their custody as well as the interrogation process itself. Because the persons subjected to this practice are generally held incommunicado in secret facilities, the practice amounts to enforced disappearances. Reportedly, the rationale behind the rendition programme is to remove suspects from the protection and scrutiny of US or international law. It is alleged that by authorizing CIA agents to abduct suspects and transfer them to incommunicado detention in

overseas prisons, the United States violates express provisions of international law regarding the right to freedom from arbitrary arrest and detention, and a right to judicial review for the basis of detention.

To date, victims of the rendition program have not prevailed in their attempts to seek redress in U.S. courts. While US courts have recognized the prohibitions against arbitrary detention, torture, other cruel, inhuman or degrading treatment and enforced disappearance as discrete violations of international law cognizable under the Alien Tort Statute and the Torture Victim Protection Act, so far lower courts have found that only foreign officials can be held civilly liable for violation of these norms.

NGOs requested that Working Group ask the US government to provide information relating to the policy and practice of rendition, including any legal memoranda that may have been drafted justifying the practice, and if it is lawfully classified, for the Working Group to request to view it under a protective order.

17 July
End text of letter.
TICHENOR

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